United Nations CCPR/C/LBR/Q/1

International Covenant on Civil and Political Rights

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Human Rights Committee

List of issues in relation to the initial report of Liberia*

Constitutional and legal framework within which the Covenant is implemented (art. 2)

1. Please provide information on the status of the Covenant in relation to domestic law, including statutes and customary law, and on whether national courts have invoked the Covenant in particular cases. Given that article 2 of the Constitution establishes the primacy of the Constitution over treaties, please indicate whether any constitutional provisions have been found to be in conflict with the Covenant and provide information on measures to ensure that any constitutional reform efforts, including proposition 24, are consistent with the Covenant. Please provide information on any instances in which customary law has been in conflict with the Covenant and on any measures that have been taken to repeal the provisions of the Revised Rules and Regulations Governing the Hinterland of Liberia that are incompatible with the Covenant. Please indicate whether the State party intends to ratify the Optional Protocol to the Covenant and provide information on the status of the proposed national body on treaty obligations, including any resources allocated.

2. Please describe the measures taken to ensure that the Independent National Commission on Human Rights conforms to the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), including the principles of independence. Please provide information on the measures taken to ensure that the Commission has the human and financial resources to fulfil its mandate effectively, including specific information on the number and type of complaints received and how they were resolved.

Truth and Reconciliation Commission and past human rights violations (arts. 2, 6, 7 and 14)

3. Please provide information on the follow-up given to the final report and recommendations of the Truth and Reconciliation Commission, including the measures taken by the Independent National Commission on Human Rights to implement the recommendations. Please provide information on the follow-up to annex III, which contains a complete list of persons recommended for prosecution for gross human rights violations and war crimes, including the number of individuals prosecuted and for which crimes, the number of convictions secured, the sentences imposed and the reparation granted to victims.

State of emergency and counter-terrorism measures (arts. 2, 4, 7 and 9)

4. Regarding the state of emergency declared in August 2014 and lifted in November 2014, please (a) provide information regarding the legal process for instituting a state of emergency under domestic law, (b) identify any Covenant rights that were suspended during the emergency and the measures taken to ensure that such suspensions were strictly

* Adopted by the Committee at its 120th session (3-28 July 2017).

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required by the exigencies of the situation, (c) explain how the state of emergency complied with article 4 of the Covenant, (d) the measures undertaken to document all violations of human rights under the Covenant related to the emergency situation, and (e) information regarding all investigations into such violations, including information regarding the five soldiers found at fault for violations during the 20 August 2014 protest, the number of prosecutions and the convictions secured, the nature of the sentences imposed and any reparation provided to victims. Please also provide information on any steps taken to ensure that future derogations from the Covenant will comply with article 4.

5. Please elaborate on the definition of terrorism under article 14 (54) of the Penal Code and provide information regarding cases brought on charges of terrorism and their outcome, including the sentences imposed. Please also provide information on the legal safeguards in place for persons suspected of, or charged with, committing an act of terrorism or a terrorism-related crime.

Non-discrimination (arts. 2, 6, 7, 13, 14, 17, 25 and 26)

6. Please provide further information on any legislation prohibiting discrimination and containing a comprehensive list of prohibited grounds for discrimination. Please specifically describe the measures to combat and prevent stigmatization, discrimination or abuse of (a) persons infected with or affected by HIV/AIDS, including in medical facilities, (b) persons with disabilities, including with regard to access to treatment for persons with intellectual disabilities, (c) elderly persons, (d) Ebola survivors, their families and health-care workers who worked in Ebola treatment facilities, and (e) persons living with albinism. Please describe measures that are being taken to combat and prevent discrimination against foreign nationals, including efforts to repeal article 24 (b) of the Constitution, and explain how article 27 (b) is consistent with the Covenant.

7. Please indicate the extent to which domestic law prohibits all forms of discrimination on the basis of sexual orientation and gender identity. Please explain all measures being taken to combat hate speech and violence against lesbian, gay, bisexual, transgender and intersex persons, including defenders and activists. Please respond to widespread allegations that the police and justice system discriminate against those persons, including through lengthy detention without trial, failure to investigate complaints and reprisals against victims of violence. Please provide information on the number of complaints received relating to violence against lesbian, gay, bisexual, transgender and intersex persons, including by police officers, the investigations conducted, prosecutions pursued, the penalties imposed and any reparation provided to victims. Please provide information on the penalties for "deviate sexual intercourse" under article 14 (74) of the Penal Code, on any enforcement of this law and any plans to repeal it.

Gender equality (arts. 2, 3, 25 and 26)

8. In the light of the Gender and Development Act of 2001 and the National Gender Policy adopted in 2009, please provide further information on the proportion of women in decision-making positions in both the private and public sectors. Please specify the measures being taken to promote equal representation of women in public affairs, including in executive, legislative and judicial bodies, particularly at decision-making levels, and elaborate on the meaning and impact of section 4 (5) (1) (b) of the electoral law, which indicates that political parties and coalitions shall "endeavour to ensure" 30 per cent gender representation in candidate lists and governing bodies. Please describe the measures being taken to increase voter registration and voting by women.

9. Please provide information on article 20 (1) (b) of the Alien and Nationality Law of 1973, which permits only fathers to pass on Liberian citizenship to children born outside the country, and indicate any measures taken to ensure that women can transmit Liberian nationality on an equal footing, including plans to revise that law. Please provide further information on the concepts of "customary marriage" and "statutory marriage" and measures taken to ensure the equal rights of women in all marriages in law and in practice. Please clarify the legal age of marriage under customary law and address the impact of efforts to eliminate child marriage. Please explain what measures have been taken to address polygamy.

Violence against women (arts. 2, 3, 6, 7, 14, 24 and 26)

10. Please describe all measures taken to eradicate all human rights violations perpetrated by secret societies, in particular ritualistic killings, accusations of witchcraft, forced abductions and female genital mutilation, including the current status of legislative efforts to criminalize female genital mutilation. Please explain what measures are being taken to (a) ensure that existing criminal laws are enforced with respect to secret societies and these traditional practices, and include information on the number of complaints received in the last five years, the investigations and prosecutions pursued, the convictions secured, the sentences imposed and reparation afforded to victims, (b) protect victims and their families who seek legal remedies from threats and reprisals, and (c) limit the influence of these secret societies and combat stereotypical attitudes toward the gender roles of women and men in Liberian society.

11. In the light of the widespread sexual violence against women and girls, please provide detailed information on efforts to ensure the effective enforcement of the Rape Law of 2005 and address impunity for sexual violence in all parts of the country, including any measures to (a) encourage victims of sexual violence to report such crimes, (b) strengthen law enforcement and prosecutorial capacity to respond appropriately to complaints of sexual violence, and (c) provide support to victims of sexual violence, including by expanding access to one-stop centres. Please address the activities and impact of Criminal Court "E" and the sufficiency of its mandate, budget and human resources, and any measures taken to strengthen and replicate this Court. Please indicate the number of complaints of rape and other acts of sexual violence received in the last five years, investigations effectively carried out, prosecutions and convictions secured, the nature of the sentences imposed and the reparations granted to victims, including with respect to acts committed during the conflict. Please address measures taken to implement the recommendations of the Committee on the Elimination of Discrimination against Women (see CEDAW/C/LBR/CO/7-8) regarding violence against women.

12. In view of the prevalence of domestic violence against women in Liberia, please provide further information on the content and status of the Domestic Violence Bill introduced to the House of Representatives in January 2016. Please indicate what other measures have been pursued to combat domestic violence, including marital rape, and what training has been provided for law enforcement officials and health-care and judicial personnel. Please address support mechanisms for victims of domestic violence.

Voluntary termination of pregnancy (arts. 3, 6, 7, 17 and 26)

13. Please provide information on the annual level of teenage pregnancy, the rate of maternal mortality resulting from unsafe abortions and measures taken to address these phenomena. In the light of article 16 (3) of the Penal Code, please provide information regarding the number of official abortions and estimated clandestine abortions performed annually in Liberia. Please elaborate on the requirement that two physicians must authorize a voluntary termination of pregnancy and indicate whether a denial can be effectively challenged. Please report on awareness-raising efforts regarding reproductive health, including to combat the stigmatization of the voluntary termination of pregnancy, and steps taken to ensure that men, women, boys and girls in all regions of the country have access to contraceptives and sexual and reproductive health education and services.

Right to life, liberty and security of persons (arts. 6, 7, 9 and 11)

14. Please comment on how the reintroduction of the death penalty in the Criminal Procedure Law is compatible with the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, and article 6 of the Covenant. Please indicate (a) the crimes for which the death penalty may be imposed under domestic law, (b) whether the death penalty can be imposed on juveniles and pregnant women, (c) the number of death sentences handed down since 2008 and for what crimes, and (d) the number of persons currently under sentence of death. Please explain any plans to reinstitute de jure abolition of the death penalty.

15. Please address the extent to which article 5 (6) of the Penal Code limits the use of force by law enforcement officials to the amount strictly necessary for responding to the threat, as required by the Covenant and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, and explain the steps taken to ensure these standards in practice. Please provide updated information on the status of the Use of Force Regulation mentioned in the State party's report (CCPR/C/LBR/1, para. 52). Please elaborate on the existing training, oversight and accountability mechanisms to ensure that police forces comply with the provisions of the Covenant, including in addressing mob violence. Please also provide information on efforts to address the detention of citizens by police officers or magistrates for debt, corruption in the police forces and citizen's alleged lack of trust towards the Liberia National Police. Please address reports of excessive use of force, arbitrary arrests and detentions by police officers, and provide information on any prompt investigations of such incidents that have been conducted and any prosecutions, convictions or penalties imposed. In particular, please provide further information regarding reports of excessive use of force at, inter alia, the Butaw riots of May 2015 and the 2013 protests at the Equatorial Palm Oil plantation. Please also provide information on the estimated number of victims of arbitrary arrests and detentions and excessive use of force by the police, and indicate whether prompt investigations were conducted and the results, including any sanctions imposed on the police officers responsible and any changes to police practices.

Trafficking in persons, forced and child labour (arts. 7, 8 and 24)

16. Please provide further information about any efforts to effectively detect, prevent and investigate cases of trafficking and punish the perpetrators, particularly with respect to internal trafficking, including of children. Please provide the Committee with the specific data from the last five years on the number of complaints of human trafficking received, the investigations and prosecutions pursued, the convictions secured, the nature of the sentences imposed and the reparation and protection afforded to victims, disaggregated by internal and international trafficking. Please provide further concrete information on the progress of the zero-tolerance five-year action plan, including the impact of the national referral mechanism and the 199 anti-trafficking hotline, and the status of efforts to ensure easy identification and profiling of trafficking victims. Please address concrete measures taken to (a) train judges and prosecutors and otherwise increase effective investigations and prosecutions of trafficking offences, including by Liberian nationals and government officials, (b) combat corruption in this area, and (c) provide witnesses with effective support and protection. Please elaborate on the specific measures available to victims under the second pillar of the action plan, including access to medical and psychosocial assistance and transit shelters.

17. Please respond to reports of incidents of forced labour and the worst forms of child labour, particularly involving women and children working as street vendors, domestic servants or beggars and in the rubber, rock quarry, and gold and diamond mining sectors. Please provide information on the incidence of forced labour and the worst forms of child labour in the State party and on the investigations and enforcement actions taken. Please also provide information on concrete measures taken to raise awareness and prevent incidents of forced labour and hazardous child labour, and to ensure that such practices are reported, investigated and the perpetrators punished with appropriate penalties and that victims are afforded protection and rehabilitation.

Treatment of persons deprived of their liberty (arts. 6, 7, 10 and 24)

18. Please provide current data on overcrowding in prisons, indicating the number of prisoners and official capacity, disaggregated by facility. Please indicate any additional measures taken to tackle this problem, including any plans to resume construction of the Cheesemanburg facility. Given the high rates and lengthy periods of pretrial detention, please provide information on (a) the development and implementation of non-custodial alternatives, including bail or release on parole, (b) the annual budget devoted to the Ministry of Justice for detention centres, (c) all measures taken to address inhumane and degrading prison conditions, and (d) whether the law for compassionate release of prisoners has been implemented. Please provide information on the annual number of deaths of

persons in detention in the last five years, disaggregated by place of detention and cause of death, and indicate what investigations were conducted and their results. Please indicate what measures have been taken to ensure that minors are held in pretrial detention only as a last resort and are not detained with adults. Please provide information on the mechanisms for monitoring places of detention and indicate whether the results of any monitoring or investigations into abuse are made public.

Rights to due process and a fair trial (arts. 2, 9, 14 and 15)

19. Please describe concrete measures taken to ensure that the procedural rights of persons in the justice system are effectively respected in practice, including the rights of detained persons to (a) be brought promptly before a court, (b) have a meaningful opportunity to challenge the lawfulness of their detention, (c) have prompt access to counsel, and (d) be brought to trial in a reasonable time. Please provide further information on the steps taken to ensure access to the courts for those who cannot afford legal counsel or court fees.

20. Please provide information on measures taken to ensure the independence of the judiciary, including the meaning of "good behaviour" under article 71 of the Constitution, and on measures to root out corruption in the judicial system, including among judges, prosecutors and jurors. Please provide further information on any impunity clauses in the Constitution, particularly article 97 of the Constitution and its compatibility with the provisions of the Covenant.

Rights of refugees and asylum seekers (arts. 6, 7, 10 and 13)

21. Please describe the legal and institutional frameworks for refugee status determination and protection, and for ensuring respect for the principle of non-refoulement. Please respond to allegations of removals of Ivorian refugees in 2014 contrary to the principle of non-refoulement, and indicate any measures taken to prevent such removals in the future.

Freedom of expression and association (arts. 19, 21 and 22)

22. Please provide information regarding the legal prohibitions on libel and defamation, including any criminal penalties imposed, and respond to allegations that journalists and newspapers often face such charges for criticizing political figures and government actions. Please provide annual information from the last five years regarding the number of journalists and media outlets charged with defamation or libel, the reason for the charge, the number of criminal prosecutions and convictions, and any sentences imposed. Please address measures to prevent and respond to allegations of intimidation and harassment of journalists and any closures or suspension of opposition and independent media, purportedly for hate speech or for failing to comply with tax and licence regulations. Please comment on allegations that non-governmental organizations have been denied registration as legal entities, and elaborate on whether any independent regulatory agency exists or is planned to ensure that any action taken against the press is compatible with the Covenant.

Rights of the child (arts. 7 and 24)

23. Please report on measures taken to further increase the birth registration rate, particularly for children born during the Ebola crisis, and the resulting progress. Please explain the application of article 5 (8) (1) of the Penal Code and address any plans to prohibit corporal punishment in all contexts, including the administration of traditional justice.

Participation in public affairs and freedom of assembly (arts. 2, 21, 25, 26 and 27)

24. Please indicate all measures taken to ensure the conduct of free and genuine elections in the most recent elections. Please respond to allegations that minorities, including Muslim women and members of the Mandingo community, have been denied permission to register to vote, and indicate what measures have been introduced to redress such concerns. Please elaborate on measures taken to remove all barriers from a citizen's

ability to vote, particularly measures to: (a) allow enfranchisement of citizens who turn 18 between the end of the vote registration process and the day of the election, (b) ensure that pretrial detainees can vote, and (c) ensure access for persons with disabilities. Please indicate all measures taken to ensure respect for the right to freedom of assembly for all citizens and political parties, regardless of political affiliation, and respond to allegations of such restrictions during the 2011 elections. Please indicate all steps being taken to ensure the National Election Commission's independence to effectively discharge its mandate, including its financial resources, impartiality and ability to adjudicate election-related disputes. Please comment on allegations of misuse of State resources for campaigning purposes.

25. Please provide information on any steps taken to strengthen government efforts to seek civil society input on reform processes and on the measures taken to tackle corruption in law and in practice. In particular, please describe the legal and institutional framework for addressing corruption and any plans for improving its effectiveness. Please provide information on investigations, prosecutions, convictions and penalties imposed against government officials at all levels for acts of corruption, including current information on the result of the criminal proceedings brought against Varney Sherman and Alex Tyler.

Customary lands (arts. 2, 26 and 27)

26. Please explain the legal status of "customary lands", occupied and used by communities in accordance with traditional land uses. Please describe the measures taken to (a) ensure that development projects affecting such lands are not undertaken against the wishes of the relevant communities and (b) protect women and other vulnerable groups against discrimination in owning and using customary lands.